

Practitioner's Docket No. MBIO99-057CP2RCEMRECEIVED
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PATENT
JAN 10 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Busfield, Samantha J. and Villeval, Jean-Luc M.G. (as amended)
Application No.: 09/503,387 Group No.: 1644
Filed: February 14, 2000 Examiner: Huynh, Phuong N.
For: GLYCOPROTEIN VI AND USES THEREOF

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DEPOSIT DECLARATION

Sir:

I, Mario Cloutier, hereby declare that:

1. I am an agent of record in the above-identified patent application.
2. An *Escherichia coli* strain containing a plasmid with human TANGO268 (EpthEa11d1), described in the above-identified patent application, was deposited with the

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☐ with sufficient postage as first class mail.

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TRANSMISSION

- ☒ transmitted by facsimile to the Patent and Trademark Office.

Signature Date: January 10, 2007Sean Hunziker
(type or print name of person certifying)

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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USSN: 09/503,387

American Type Culture Collection (ATCC®), 10801 University Boulevard, Manassas, VA 20110-2209, on March 30, 1999 under the terms of the Budapest Treaty and assigned ATCC® Designation Number 207180.

3. Upon granting of a patent on the above-identified patent application, all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed and the deposit will be replaced if viable samples cannot be dispensed by the repository.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issued thereon.

January 10, 2007

Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

By


Mario Cloutier

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE
INTERNATIONAL FORMRECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Millennium Biotherapeutics, Inc.
Attn: Sam Busfield
620 Memorial Drive
Cambridge, MA 02139

Deposited on Behalf of: Millennium Biotherapeutics, Inc.

Identification Reference by Depositor:

ATCC Designation

<i>Escherichia coli</i> containing the human cDNA for Tango 003 in the plasmid vector pMET7, EpthLa6a1	207178
<i>E. coli</i> (DH5 α) transformed with human T195b in the plasmid vector pMET7, EpthLa170f10	207179
<i>E. coli</i> containing a plasmid with human Tango 268 insert EpthEa11d1	207180

The deposits were accompanied by: ☐ a scientific description ☒ a proposed taxonomic description indicated above. The deposits were received March 30, 1999 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

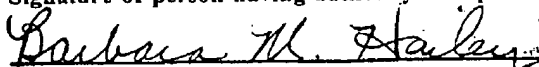
If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested April 2, 1999. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Barbara M. Hailey, Administrator, Patent Depository

Date: April 5, 1999

cc: Jean Silveri, Esq.